

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Emmelmann)	
)	Art Unit: 2192
Application No.: 09/449,021)	
)	Examiner: Kendall
Filed: November 24, 1999)	
)	
Title: INTERACTIVE SERVER SIDE)	<u>Customer No. 28554</u>
COMPONENTS)	
)	

RESPONSE TO INTERVIEW SUMMARY
MAILED MAY 7, 2007

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This RESPONSE is in reply to the INTERVIEW SUMMARY mailed May 7, 2007.

There are no AMENDMENTS presented herein.

REMARKS begin on Page 2 of this paper.

Remarks

These Remarks are in reply to the Interview Summary mailed May 7, 2007.

Applicant was surprised to receive the referenced paper, summarizing a telephone interview that took place in November 2004, after a non-final office action rejecting all claims in August 2004. Based on the subsequent prosecution history, applicant believes that the art discussed in that interview has been overcome.

Applicant re-filed its notice of appeal in September 2006, and included a request for pre-appeal review at that time. A decision on the pre-appeal review is long overdue. Applicant requests that this matter be taken up immediately.

Nevertheless, applicant includes herein a brief review of the substance of the interview in November 2004. Attached as Exhibit 1 is the undersigned attorney's brief memo to the inventor regarding the interview, prepared and sent to the inventor shortly after the interview. In brief, the examiner stated that the patent to Truong shows a server side editor, but without interactive or dynamic editing capability. The examiner further believed that the patent to D'Arlach discloses a dynamic editor, and the examiner cited specific portions of D'Arlach that he believed supported his position. Applicant disagreed, noting that D'Arlach discloses a store of static templates, not any means for editing a running application. The Examiner responded that he believed D'Arlach did contemplate running applications while editing, pointing to the disclosure of "buttons." However, applicant noted that buttons are text elements, not applications. The examiner disagreed.

The interview ended with disagreement.

In the subsequent response filed in January 2005, applicant discussed the cited art in great detail. For example, in column 4, lines 14-16, cited by the examiner during the interview, D'Arlach describes his invention as "a software program to dynamically generate and maintain *web sites*." In contrast applicant's invention can be used to maintain *web applications*. Thus, applicant asserts that D'Arlach uses the term "web site" to describe a set of static web pages: This is supported in column 5, lines 30-33, where D'Arlach writes: "When the template is published as a web site the database is used to generate a set of Web pages to make up the new web site." This makes clear that the final output of D'Arlach's editor is *a set of Web pages that makes up the new web site* and not *a web application program* that itself generates web pages as

with applicant's software development system.

In column 4, lines 20-24, cited by the examiner during the interview, D'Arlach states that the "CGI program returns, on the fly, newly processed or updated information." This portion of D'Arlach discusses the working of his editor program, and not of the web site created with his editor. For example, in line 18 of column 4 he states that his software program is preferably a CGI program, therefore the term "CGI program" undoubtedly refers to his editor. Also, in column 4, lines 36-37, cited by the examiner during the interview, D'Arlach states: "then, at step 308, the CGI program dynamically generates a new HTML document and returns it to the server." Thus, D'Arlach clearly refers to the working of his editor program and not of the web site created with his editor program.

Also, D'Arlach teaches away from editing running applications because even the links inside an edited web page do not work during editing. For example, as described in column 9, lines 13-14 of D'Arlach, clicking on the "Phone Services" button during editing does not operate the link to initiate phone services as on the final web site, but instead, it brings up the "Elements Properties" screen to edit the link.

Lastly, D'Arlach's buttons are just hyperlinks, not running applications. As pointed out in column 5, lines 6-7 of D'Arlach: "A button or graphic element has the properties of text labels, graphics, and links." There can be no doubt that hyperlinks are merely static web content. In addition, column 5, lines 3-6 of D'Arlach states: "Template database contains customizable objects or elements, a button element and a text element," which makes clear that D'Arlach does not have elements that could be used for building applications. Furthermore, applicant's appeal brief applicant discusses D'Arlach's elements in detail. In column 5, lines 1-15, D'Arlach discloses only two kinds of elements: a text element and a button element; and neither element contain instructions for execution on the server. This means that buttons are just HTML links and that the examiner is wrong in assuming that D'Arlach contemplates running a server-based web application during editing since none of these elements permits construction of such applications.

In his summary of the interview, the examiner states "Discussed claim 1, regarding dynamic editing and displaying limitation recited in claims." However, claim 1 did not include the terms "dynamic" or "dynamic editing" at that time, and the claim as pending still does not use those terms. In applicant's view, a key point to be made at the interview was the fact that

applicant's editor can edit "dynamic web applications" while the prior art is for editing static web sites only. At the time of the interview, this distinction was represented in claim 1 by the following limitations:

a page generator running an application being developed and sending generated documents to the browser for display as pages including additional editing features for interpretation by the browser program

an editor directly operating on the pages displayed by the browser via the editing features, thereby allowing the user to work on a functional application during development"

Please refer to applicant's January 2005 response for a complete discussion of these issues.

Please contact the undersigned attorney by telephone with any questions.

Respectfully submitted,

Date: June 7, 2007

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EXHIBIT 1

memo re telephone discussion with examiner Kendall

first, he thinks Troung is effective for showing a server side editor, but that it doesn't provide dynamic or interactive editing that looks like and functions like the running application.

he thinks D'Arlach shows a dynamic editor allowing editing "on the fly" In fact, he said that D'Arlach probably anticipates your invention, but that he had already used Truong and D'Arlach provided the missing elements. He points to:

col. 4: 14-16 ("to dynamically generate and maintain web sites")

col. 4: 20-24 ("CGI program returns, on the fly, newly processed or updated information" etc)

col. 4:36-37 ("then, at step 308, the CGI program dynamically generates a new HTML document and returns it to the server")

I then described that there was a store of static templates – that D'Arlach did not provide any means for editing a running application

he believes that D'Arlach contemplates running applications, such as buttons (col 4:62). I pointed out that buttons are simple text elements, not applications.

he disagreed.